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REPORT OF THE SECRETARY-GENERAL PREPARED PURSUANT TO RESOLUTIONS 1160 (1998), 1199 (1998) AND 1203 (1998) OF THE SECURITY COUNCIL

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998 and 1203 (1998) of 24 October 1998. It addresses the comprehensive monitoring regime established under Security Council resolution 1160 (1998) and humanitarian and human rights aspects of the situation in Kosovo covering the period since my previous report of 30 January 1999 (S/1999/99). Information contained in this report complements that provided by the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE) in his report to the Council of 26 February 1999 (S/1999/214). As I indicated in my letter of transmittal to that report, I have discontinued comprehensive reporting on the situation in Kosovo, which is being covered by OSCE in compliance with the Council's wish to be kept informed about the situation there.

II. COMPREHENSIVE REGIME TO MONITOR THE IMPLEMENTATION OF THE PROHIBITIONS IMPOSED BY SECURITY COUNCIL RESOLUTION 1160 (1998)

2. As stated in my report of 5 August 1998 (S/1998/712), the overall resources pledged by organizations willing to participate in the monitoring of the prohibitions imposed by resolution 1160 (1998) did not allow for the establishment of a comprehensive monitoring regime as envisaged by that resolution. I also stated that, nonetheless, their proposed contributions, coupled with that of the United Nations Preventive Deployment Force (UNPREDEP), could provide a useful framework for reporting on violations and for assisting the Committee established by resolution 1160 (1998) in discharging its mandate. These organizations, as well as UNPREDEP, have provided useful information in their reports to the above Committee.

3. The termination of the mandate of UNPREDEP will affect efforts to monitor the implementation of the prohibitions established by Security Council resolution 1160 (1998). Accordingly, the Security Council may wish to reconsider the modalities for the monitoring regime. In the meantime, it would

be necessary for representatives of participating organizations and the Secretariat to continue to hold periodic meetings in order to exchange information and address practical issues arising in connection with their monitoring activities.

III. HUMANITARIAN AND HUMAN RIGHTS SITUATION IN KOSOVO

Violence

4. The humanitarian and human rights situation in Kosovo remains grave. The general insecurity, combined with continuing and unpredictable outbreaks of violence, has resulted in a cycle of displacement and return throughout Kosovo. During the reporting period, targeted killings of civilians, summary executions, mistreatment of detainees and new abduction cases were reported almost daily. Since 20 January, the Office of the United Nations High Commissioner for Human Rights (UNHCHR) has registered more than 65 cases of violent death, including one in custody. The Office's background investigations of targeted violence further confirmed the observations expressed in my previous report that the nature of violent activity in Kosovo, which has now spread to urban areas, has increased the number of persons who live in fear of being directly affected by violence or arbitrary treatment.

5. While clashes between the Serbian security forces and Kosovo Albanian paramilitary units continued at a relatively lower level, civilians in Kosovo are increasingly becoming the main target of violent acts. An increasingly common pattern of individual killings throughout the region accounts for the majority of deaths. Most violent incidents have remained unclaimed. This has contributed to the climate of fear and insecurity, causing deep distrust among communities and adding to the humanitarian and social problems in Kosovo.

6. The following narrative of when and where major incidents occurred suggests how violence against civilians in Kosovo continues to spread. On 18 January 1999, a Serb man was killed after reportedly failing to stop at a Kosovo Liberation Army's (KLA) roadblock in Nedakovac, near Kosovska Mitrovica. On 19 January, the body of a Kosovo Albanian teacher was discovered near Istok. On 20 January, two Serbian women (mother and daughter) were wounded after unidentified persons opened fire on their house, apparently targeting the father. On 21 January, a Kosovo Albanian man and woman were killed when their car was fired upon at an intersection outside Orahovac. The same day, the body of a Kosovo Albanian doctor was found near the Pec-Mitrovica highway.

7. On 24 January, five Kosovo Albanians, two men, one woman and two boys, aged 11 and 12, were killed on the Rakovina-Jablanica road, while repairing their tractor. According to international observers, some 60 spent cartridges were found on the scene of the incident and the bodies revealed multiple bullet wounds.

8. On 25 January, a Kosovo Albanian was killed and his son severely wounded near Decani when masked assailants fired a reported 55 rounds into their car. On 26 January, a Serb man was severely wounded in an attack directed at his house in the Istok municipality. The body of a 23-year-old Serb was found under

a driveway in the outskirts of Kosovska Mitrovica on 27 January; the body may have been moved to that location after the victim was killed elsewhere.

9. On 29 January, Kosovo Albanian sources reported that the body of a Kosovo Albanian was found in Bistrazin village and that another Albanian, close to the Democratic League of Kosovo (LDK), was seriously wounded in front of his apartment by two shots fired by unknown persons. On 30 January, a 36-year-old Kosovo Albanian from Pec was found shot in the head on the Pec-Pristina road. That same day, the body of another reputed "Kosovo Albanian loyalist", a physics teacher from Djakovica, was found in the village of Gradis. In Istok municipality, an elderly Serb was killed and his 72-year-old wife was injured when unidentified persons threw a grenade into their house in the village of Rakos.

10. On 31 January, the body of a Kosovo Albanian from the village of Begov Vukovac was found, shot in the head, south of Istok. That same day, in Stimlje municipality, masked gunmen reportedly broke into a house in the village of Donje Godance and wounded one man and two boys.

11. Attacks and killings in urban areas continued during the first half of February. On 4 February, bodies of three Kosovo Albanians were found in a car between the villages of Istinic and Gornja Lika, in Decani municipality, and the body of a Serb was found near the village of Rastavica. All had been shot. On 4 February, a Serb male was killed by automatic weapon fire while travelling on the Pec-Djakovica highway.

12. On 7 February, bodies of two Kosovo Albanians reported missing since 3 January were found in Kacanik, south of Urosevac. During the night of 7-8 February, the body of an unidentified man aged about 30 was found in the village of Livadja in Lipljan municipality. At this writing, UNHCHR is attempting to clarify several reports of bodies found in or around Djakovica on 8 February. The bodies of two young persons, one a 17-year-old boy and one a 20-year-old woman, were reported found in two different locations in a Djakovica suburb. The body of a Kosovo Albanian male, dead from gunshot wounds, was found in his car in the Djakovica area, near the village of Trakanic. The same day, again in Djakovica, bodies of a male and an elderly woman were also found. Both victims, who are believed to be from the Roma community, died of gunshot wounds to the neck. Bodies of two Kosovo Albanians from the village of Goden near Djakovica were found on 10 February.

13. On 11 February, four more bodies were discovered in different areas of Kosovo. According to media reports, the body of the Kosovo Albanian owner of an Istok tea room was found on the Zac-Zablace road; he had been shot in the head. Two men, one a Kosovo Albanian shot in the head, the other, as-yet-unidentified, were found in separate locations in Novo Selo, near Pec. The body of an unidentified male was found in a pond in Klina.

14. Targeted violence against civilians in Kosovo is taking new, even more dangerous, forms. In particular, recently increased terrorist acts against Serb and Albanian establishments in urban areas, including grenade attacks on cafes and shops, are a cause of serious concern. Since the end of January, at least 10 such incidents in Pristina, Pec, Kosovska Mitrovica and Urosevac have been

reported. The investigation by UNHCHR indicated that in many cases these establishments had been frequented by Serbs and Albanians and no incidents between them had previously been reported. The latest attack, on 13 February in the main town square in Urosevac, was particularly horrible: 12 people were wounded and about 20 neighbouring shops and several cars parked nearby heavily damaged. On 17 February, another explosive device planted at the Urosevac market was discovered and deactivated by the Kosovo Verification Mission. The result of these attacks is the growing alienation of the Serb and Albanian communities, a pervasive feeling of insecurity and the shrinking of the remaining ground for coexistence.

15. Following these grenade attacks and a number of killings in Pristina and in the areas of Pec and Djakovica, UNHCHR field staff have expressed concern that, particularly in these three urban areas, civilians known for open-mindedness and flexibility in community relations, as well as professionals, intellectuals and moderate community activists, have been targeted. Increasing pressure on the urban elite in Pristina, Pec and Djakovica has also frequently been cited to UNHCHR staff as a source of tension and apprehension in Prizren.

Racak investigation

16. On 10 February 1999, the 40 remaining bodies of the Kosovo Albanian victims of the Racak massacre were handed over to their families. A funeral was held in Racak on 11 February. The release of the bodies had become a point of contention between the Government of the Federal Republic of Yugoslavia and the Kosovo Verification Mission. As of 1 February, the team of Finnish forensic experts had completed or monitored autopsies on 24 of the 40 bodies brought from the Racak mosque to Pristina. Sixteen bodies had been autopsied by Serbian forensic specialists before the arrival of the Finnish team. Five bodies of the total of 45 dead at Racak were reportedly removed from the village by families and were not autopsied. The Finnish team stressed, during its two-week stay in the Federal Republic of Yugoslavia, that it was not carrying out an investigation into the events at Racak, but an examination of the bodies moved from the place of death to the mosque in Racak and then to the Pristina morgue. After the events at Racak, the scene was not isolated; the circumstances of evidence-gathering and the chain of custody of evidence remain unclear. The Finnish team indicated that it would release the results of its examination in Racak to the European Union and to the Pristina district court in early March. There is no indication at this time of action by the authorities of the Federal Republic of Yugoslavia to bring the perpetrators of the Racak massacre to justice.

Abductions and taking of hostages

17. During this period, no new information emerged or was volunteered on the whereabouts and fate of persons abducted or reported missing. Eleven persons were abducted, 10 Serbs, among whom five were released and one escaped, and one Kosovo Albanian, who was found dead. On 21 January, five Serb civilians (three men and two women) were abducted in the village of Nevoljane, Vucitrn municipality, and released on 23 January through mediation by the Kosovo Verification Mission. The KLA spokesman in Pristina stated that the five were not kidnapped. Instead, he claimed that "stopping, disarming and the arrest of

the five members of the Serb nationality ... were performed in accordance with the international conventions and norms, and for the reason of public security and order in that village".

18. During the night of 8-9 February, one Serb civilian went missing near Kosovska Mitrovica. The following night, two Serb civilians were abducted near Novo Selo on the Pristina-Vucitrn road. One managed to escape and reported that he was kidnapped by persons wearing KLA uniforms and insignia. On 10 February, the body of a Kosovo Albanian from Urosevac, who had been kidnapped the day before, was discovered. On 11 February, Serbian sources reported that two plainclothes police officers were abducted the night before, after having last been seen off-duty in Kosovo Polje, outside Pristina.

Detention and trials

19. Reports of arbitrary detention and systematic ill-treatment of Kosovo Albanians in police detention and under the jurisdiction of the Ministry of Justice continue to emerge from UNHCHR field interviews and during court testimony. According to information released by Serbian Public Prosecutor, Dragica Krsmanovic, 2,007 persons in Kosovo have been charged with criminal offences of terrorism, endangering the territorial integrity of the country and seditious activity. Of those, 1,060 are currently in detention and 824 are under indictment. As earlier reported, the number of Kosovo Albanians detained, questioned, subjected to "informative talks" or arrested and subsequently released by police is not known.

20. On 16 January it was reported that Halit Aliaj, aged 48, who was arrested the day before, died while in police custody in the Djakovica police station. UNHCHR is making further inquiry into this case. Three other persons are known by UNHCHR to have died in 1998 while in police custody in Djakovica.

21. UNHCHR staff continue to monitor proceedings in which Kosovo Albanian defendants are accused of alleged terrorist or anti-state activity. The number of persons already sentenced in courts of first instance is relatively small. Most proceedings are still pending. Regardless of the size of the group of defendants or the number of witnesses to be called, most proceedings monitored by the Office have been discontinued after a hearing lasting only one working day or less, and subsequent hearings in the same case are frequently postponed for only a few days short of the maximum postponement allowed by law. As a result, defendants remain in detention indefinitely. On 8 February, proceedings against 24 "Orahovac group" defendants were once again postponed until 10 March. The group was arrested on or about 21 July 1998 and has been in detention, under systematic abuse, at Lipljan prison ever since. The hearing on 8 February was the first time any of the accused gave court testimony after more than six months' detention and after repeated postponements.

22. During this reporting period, sentences were handed over on 5 February in the "Urosevac group" case. Of the 28-member Urosevac group, 11 were arrested in June 1998; two of those defendants died while in police custody, allegedly as a result of torture. The nine remaining defendants were first brought before the Pristina district court in late December and mid-January. Seventeen defendants were tried in absentia. All nine standing trial claimed they had been tortured

and still had visible traces of injuries allegedly inflicted by police and state security officials, including after their arraignment before an investigative judge. The defendants, including those tried in absentia, were sentenced to periods ranging from two and a half to 15 years.

23. On 10 February, the district court of Prizren sentenced eight men from Orahovac municipality to five years' imprisonment on charges of terrorism. The accused had all been charged with membership in the "so-called 'KLA'". Individual charges included providing medicine, food and fuel to KLA, possession of weapons, carrying out patrols and opening fire on patrols of the Ministry of the Interior. The decision of the court relied on confessions of the accused made before the investigating judge and photocopies of alleged lists of KLA membership. No originals of these documents were submitted by the prosecution as evidence. In earlier proceedings, defendants had maintained that their statements were made under coercion and torture, allegations not examined by the court. In explaining why the court did not consider these allegations, the presiding judge, on pronouncing his sentence, stated that the court would have considered these allegations seriously were it not for the fact that some of the accused had admitted they were KLA members. The court's final judgement did not indicate which acts had been proved to have been committed by each individual accused. The presiding judge did indicate in his explanation of his judgement that the strategy of defence attorneys had compelled him to issue heavy sentences.

Displacements

24. To keep count of the numbers of displaced is difficult, but the Office of the United Nations High Commissioner for Refugees (UNHCR), in consultation with non-governmental organization (NGO) partners, believes the number inside Kosovo stands at some 211,000, while there are an estimated 25,000 displaced in Montenegro. To assess the numbers of returns is even more difficult, given the long-term displacement of some, the short-term and sometimes repeated displacement, combined with return, of others. Therefore, UNHCR believes that it is more appropriate at this stage to address the humanitarian needs of the war-affected, including displaced, returnees, host families and those who never moved but lost their property and means of livelihood. The United Nations humanitarian agencies and NGOs are together providing relief assistance to some 420,000 persons in Kosovo and Montenegro.

25. A resumption of hostilities in Kosovo in January and February resulted in new displacement of population. Clashes between Kosovo Albanian paramilitary units and Serbian forces in the Podujevo area have prevented the return of some 15,000 displaced from about 17 villages. Serb and Albanian homes along the main Pristina-Podujevo road remain deserted, as intermittent fighting occurs some 3 kilometres to the west. This area has witnessed a pattern of displacement, return and fresh displacement. In Drenica, Suva Reka, Stimlje, Prizren and Vucitrn similar clashes also led to a new displacement of population. In some cases return took place, at least of some of the displaced, as soon as the violence passed; in other places, where the presence of Serbian security forces or Kosovo Albanian paramilitary units continued, fear prevented early return.

26. February was also marked by the continuing departure of the Serbian population from towns and villages where they had been in the minority, or where clashes between Kosovo Albanian paramilitary units and security forces occurred. According to information provided by the Serbian Commissioner for Refugees, some 90 villages in central and western Kosovo have lost their entire Serbian population in recent months, while towns like Podujevo and Kosovska Mitrovica have seen a reduction of the Serbian population. The estimated number of displaced Serbs within Kosovo is 10,000 while 30,000 more have moved to other parts of Serbia. In contrast, Kosovo Albanians who have lost or never had identity documents are afraid to move from their villages for fear of harassment by the security forces. UNHCR is seeking to prevent further displacement and to facilitate visits of persons without documentation to the appropriate police stations in order to secure identity documents.

Return movements

27. Throughout the reporting period, some returns have continued to take place, especially where the OSCE/Kosovo Verification Mission has established a continuing presence. In Slapuzane, south of Pristina, for example, 1,200 formerly displaced persons have returned. In Malisevo more than half of the former 3,000 residents are back in their village, while in Junik, more than 1,500 of the inhabitants are back in their homes. Following the burial, on 13 February, of 40 of those killed at Racak, the OSCE/Kosovo Verification Mission established a continuing presence there and some villagers have since returned. In Lodja, a village on the outskirts of Pec that was almost totally destroyed last summer, UNHCR and NGOs are assisting a group of about 16 families in repairing the largely undamaged school building. These families are now living in the school while undertaking the major task of rebuilding their homes.

Humanitarian assistance

28. Delivery of humanitarian assistance has continued almost uninterrupted throughout the month of February, despite the violence and severe weather. UNHCR has coordinated and led three multi-agency convoys six days per week, bringing systematic assistance to the displaced, the returned and to the war-affected population. Some relief assistance by NGOs working outside the escorted convoy system has been disrupted. There were reports of confiscation by the Serbian security forces of local trucks contracted by an NGO and of relief items belonging to another. Moreover, cases of harassment of relief NGOs were also reported. Some NGOs have been repeatedly visited by the regular and the financial police and questioned about their activities, others reported aggressive behaviour by KLA members.

Shelter survey

29. UNHCR and UNICEF worked with 14 NGOs from November 1998 to February 1999 to undertake a shelter survey covering 654 villages in 19 municipalities affected by the conflict in Kosovo, 440 villages were directly affected by the conflict, with damage ranging from slight to complete destruction. These villages had a total of 66,686 family houses before the conflict. Half of these houses have differing degrees of damage and 22,239 houses require major reconstruction. The resulting Shelter Report catalogues the extent of damage, village by village,

for each of the 19 municipalities surveyed, and will prove an important document in the planning of priorities for repair and reconstruction.

30. UNICEF, in cooperation with five international NGOs, has conducted a school damage assessment survey in 13 municipalities. The survey indicated that out of 900 schools, 163 have been destroyed or seriously damaged, while the remaining have minor damages or have been looted.

IV. OBSERVATIONS

31. UNHCR and its United Nations and NGOs partners will continue their efforts, in these risky conditions, to protect and assist the large number of refugees and displaced persons, and to support the population affected by the 12 months of conflict in Kosovo. There is strong apprehension, however, that violence against civilians and clashes between Serbian security forces and Kosovo Albanian paramilitary units will continue, with the resultant displacement of the civilian population. Cooperation between UNHCR and the Kosovo Verification Mission will remain crucial in monitoring developments and reacting rapidly in order to meet the needs of the displaced and their host communities. UNHCR and its partners have updated contingency and preparedness plans, but it is clear that any break in the continuity of humanitarian action would create further suffering.

32. I share the strong concerns of the UNHCHR about the spread of violence against civilians in Kosovo. Beyond the unacceptable actions of the Serbian security forces, the recent dangerous terrorist bombings are causing a growing number of victims. Terror tactics by Government forces, ethnically motivated violence, arbitrary treatment, targeted killings, abductions and bomb attacks must be halted by those responsible.

33. It is obvious that the humanitarian problems in Kosovo are a consequence of the armed conflict and the political crisis and they are difficult to separate from security issues. I am increasingly alarmed that continued confrontation in Kosovo, including persistent breaches of the ceasefire, has led to a substantial aggravation of the situation. According to OSCE, the current security environment in Kosovo is characterized by disproportionate use of force, including mortar and tank fire, by the Yugoslav authorities in response to persistent attacks and provocations by the Kosovo Albanian paramilitaries. As tensions mount in Kosovo, the number of Yugoslav troops deployed in the field exceeds the agreed level by a factor of five. Kosovo Albanian paramilitary units are consolidating their presence throughout Kosovo, including areas they did not control before. As a result, fighting now affects areas previously untouched by hostilities, leading to further deterioration of the situation and new displacements of civilian population.

34. Further fighting has rendered the October 1998 ceasefire agreement almost meaningless. I urge both parties to halt military activities in Kosovo, to comply fully with relevant Security Council resolutions and honour their commitments under the October 1998 agreements. In particular, the Yugoslav authorities should immediately reduce the number of troops deployed in the field

to the level established in October 1998 and Kosovo Albanian paramilitary units should refrain from any provocative actions.

35. I strongly support efforts by the Contact Group to provide a political framework for a settlement of the crisis. I encourage the parties to seize this opportunity to achieve peace and autonomy for the people of Kosovo by negotiation, while respecting the national sovereignty and territorial integrity of the Federal Republic of Yugoslavia.